April 20, 2023

A regular meeting of the Webster Town Board was called to order by Supervisor Flaherty at 7:30 p.m. at the Webster Town Board Meeting Room, 1002 Ridge Road, Webster, New York, with the following officials present:

Supervisor	Thomas J. Flaherty
Councilman	William G. Abbott
Councilman	John J. Cahill
Councilwoman	Patricia T. Cataldi
Councilwoman	Ginny L. Nguyen
Town Attorney	Charles J. Genese
Town Clerk	Dorothy M. Maguire
Department Heads Present:	
Community Development Director	Josh Artuso
Deputy Commissioner of Public Works-Sewer	Art Petrone
Finance Director	
Personnel Director	Brayton Connard

Supervisor Flaherty led the Pledge of Allegiance to the Flag.

Appearing on the agenda was a presentation in memory of Charles Styles. Supervisor Flaherty stated that at the family's request the presentation will be made in May or early June.

The meeting was open to the floor.

Ben Wisniewski and Hal Harris, Webster Residents, appeared before the Town Board to provide an update on the Town's purchase of 28.7 acres of land on Herman Road.

Mr. Wisniewski thanked the Town Board for supporting the efforts of the community in obtaining a New York State Department of Environmental Conservation (NYDEC) Community Forest Conservation Grant to create the 28.7 acre Herman Road Forever Wild Forest. The property is being purchased from Gary Wood at a cost of \$285,000.00 which is consistent with a third-party appraisal. Other costs associated with the purchase will be covered by the \$30,000.00 donation made by Mary Dombovy in memory of her late husband Mike Johnson. He is hoping for the closing on the sale of property to take place in a couple of months after pre-closing conditions being required by NYSDEC are met.

Resolution No. 142: MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to approve the April 6, 2023 Town Board Meeting Minutes as submitted by the Town Clerk. Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried 5-0

Resolution No. 143: MOTION by Councilman Cahill, seconded by Councilwoman Cataldi, to approve the bills as submitted in Warrant #0423A by the Director of Finance.

Fund	Inside	Outside	Total
General (A,B) CL #6057-6264	65,460.57	13,745.23	79,205.80
Highway (C,D)	211,783.33	4,619.28	216,402.61
Sewer (G)	20,103.79	17,311.21	37,415.00
Library (L)	6,605.64	117,425.12	124,030.76
Drainage District (M)	997.26	0.00	997.26
Trust & Agency (T/A,TP,XM,XD)	0.00	259,324.28	259,324.28
Capital Projects (H) #32-40			
H220 WWTP Improvement	6,562.51	0.00	6,562.51
H223 Lake Rd WE Drain MO.56	2,081.60	0.00	2,081.60
H224 Sandbar Shore Protect MO.59	2,479.26	0.00	2,479.26
H226 Lake Rd Pump Station MO.65	1,605.50	142,785.00	144,390.50
H230 Sandbar Flood Wall MO.78	966.07	0.00	966.07
H232 Highway Garage Building	10,949.45	0.00	10,949.45
TOTAL	329,594.98	555,210.12	884,805.10

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried5-0

Resolution No. 144: MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to approve the prepaid vouchers included in Warrant #0423A by the Director of Finance in the amount of \$555,210.12. [Included in the summary of vouchers approved in Resolution #143] Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried5-0

Resolution No. 145: MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to approve purchase orders as submitted by the Director of Finance.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried 5-0

The Town Board was presented with a proposed Resolution to approve and adopt the 2023 Monroe County Hazard Mitigation Plan.

Josh Artuso, Community Development Director, stated that in order for municipalities to remain eligible for disaster mitigation grants and recovery funding in the event of a natural disaster, Federal Emergency Medical Agency (FEMA) requires the Town to update their Hazard Mitigation Plan every five years. Monroe County spearheaded the effort along with all of the Towns and Villages. The Town of Webster Staff including himself, Andrew Vorndran, Fire Marshal, Mary Herington, Town Engineer, participated in several work sessions with the County's consulting team. Together they worked to update information on the Town's critical infrastructure, identified and reviewed hazardous events that have occurred over the past five years and updated the Town's strategies to mitigate a variety of hazardous situations that occur in the future.

Resolution No. 146: MOTION by Supervisor Flaherty, seconded by Councilman Abbott, to approve and adopt the 2023 Monroe County Hazard Mitigation Plan.

WHEREAS, the Town of Webster, recognizes the threat that natural hazards pose to people and property within the Town of Webster; and

WHEREAS, the Town of Webster has prepared a multi-hazard mitigation plan, hereby known as the 2023 Monroe County Hazard Mitigation Plan Update in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Webster, with the assistance from the Monroe County Office of Emergency Management and others, has gathered information and prepared the section pertaining to the Town of Webster section of the 2023 Monroe County Hazard Mitigation Plan; and

WHEREAS, the 2023 Monroe County Hazard Mitigation Plan Update identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the Town of Webster from the impacts of future hazards and disasters; and

WHEREAS, the Town of Webster demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2023 Monroe County Hazard Mitigation Plan Update:

NOW, THEREFORE, BE IT RESOLVED:

That the Town Board hereby adopts the 2023 Monroe County Hazard Mitigation Plan Update and resolves to execute the actions in the Plan. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in five (5) years.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried5-0

Michael Byrne, 1496 Grand Meadows Way, appeared before the Town Board requesting a License Agreement to allow the installation of a vinyl privacy fence within a Town of Webster drainage easement.

Resolution No. 147: MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to grant limited relief from an established easement at 1496 Grand Meadows Way, Webster, New York.

WHEREAS, a 20± foot wide drainage easement was granted to the Town of Webster and recorded in the Monroe County Clerk's Office in Liber 12331 of Deeds, Page 406, on and along the rear boundary of the property at 1496 Grand Meadows Way, Town of Webster; and

WHEREAS, Michael and Deborah Byrne are the owners of the property located at 1496 Grand Meadows Way, Town of Webster, Tax ID #065.02-3-38; and

WHEREAS, Michael and Deborah Byrne have applied to erect a vinyl privacy fence upon and within the aforesaid easement in conformance with the height and setback requirements as set forth in the Code of the Town of Webster, and that in the event the placement and/or height of such fence is not in such conformance, such fence shall not be constructed unless the proper variance(s) is/are received from the Town of Webster Zoning Board of Appeals; and

WHEREAS, the applicants have requested relief from the Webster Town Board to permit the aforesaid vinyl privacy fence to exist upon and encroach within said easement; and

WHEREAS, the Town of Webster has the authority to grant the relief requested, and the public good will not be harmed thereby:

NOW, THEREFORE, BE IT RESOLVED:

- Pursuant to application of Michael and Deborah Byrne, owners of 1496 Grand Meadows
 Way, and in recognition of the hardship created if the relief sought herein is not granted, the
 limited detriment to the Town of Webster, and upon consideration of all relevant factors, the
 Webster Town Board hereby allows the construction of the aforesaid vinyl privacy fence
 which will exist upon and encroach upon the easement affecting 1496 Grand Meadows Way,
 Town of Webster.
- 2. This Resolution in no way applies to any other encroachment, violations or relief sought by the owners, their successors, grantees or assigns from any other building, structure or zoning violation which may exist on such premises.
- 3. This relief is granted upon the following conditions:
 - A. The proposed fence shall encroach upon the said easement as proposed as shown on the survey map prepared by Costich Engineering, 217 Lake Avenue, Rochester, New York 14608, last dated October 8, 2021, and shall be removable.
 - B. The proposed fence shall not be expanded to further encroach on or in the easement, nor will it be moved from its permitted place within the easement as shown on the Instrument Survey Map presented to the Town Board, and as referenced above.
 - C. Upon the destruction or demolition of the aforesaid fence or any part of thereof, through natural causes or otherwise, the Owners of the fence will not reconstruct it without a specific Resolution of the Town Board authorizing its replacement or reconstruction.

- D. The Owners of the fence shall be solely responsible for any damage caused by or to the fence as a result of the Town's maintenance of said easement, and the Owners, their successors and assigns further agree to indemnify, defend and hold the Town harmless from any and all loss or damage caused to or by the fence as a result of work done by the Town as a result of reasonable and necessary work done by the Town within said easement.
- E. In the event of an emergency, or if the Town deems it necessary or imperative, the Town will have the right to remove or take down all or any part of said fence, without recourse by the Owners or their successors or assigns to such removal or taking down.
- F. This Resolution shall in no way affect the rights, if any, of any other public entities or public utilities in or to said easement.
- 4. The record Owners of the proposed fence and the Town of Webster will enter into a licensing agreement incorporating all the conditions of this Resolution in form and substance as approved by the Town Attorney, and which will further provide that the Owner, at his expense, will record the licensing agreement in the Monroe County Clerk's Office.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott	Aye
Councilman CahillAye	Councilwoman Cataldi	Aye
Councilwoman NguyenAye	Motion carried	5-0

Christopher Kirchmaier, 1959 Halesworth Lane, appeared before the Town Board requesting a License Agreement to allow the installation of a 5-foot chain link fence within a Town of Webster drainage easement.

Resolution No. 148: MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to grant limited relief from an established easement at 1959 Halesworth Lane, Webster, New York.

WHEREAS, a 20± foot wide drainage easement was granted to the Town of Webster and recorded in the Monroe County Clerk's Office in Liber 313 of Deeds/Maps, Page 81, on and along the rear boundary of the property at 1859 Halesworth Lane, Town of Webster; and

WHEREAS, Christopher and Angela Kirchmaier are the owners of the property located at 1859 Halesworth Lane, Town of Webster, Tax ID #081.01-1-76; and

WHEREAS, Christopher and Angela Kirchmaier have applied to erect an approximately 290 linear foot black chain link fence upon and within the aforesaid easement in conformance with the height and setback requirements as set forth in the Code of the Town of Webster, and that in the event the placement and/or height of such fence is not in such conformance, such fence shall not be constructed unless the proper variance(s) is/are received from the Town of Webster Zoning Board of Appeals; and

WHEREAS, the applicants have requested relief from the Webster Town Board to permit the aforesaid five foot high black chain link fence to exist upon and encroach within said easement; and

WHEREAS, the Town of Webster has the authority to grant the relief requested, and the public good will not be harmed thereby:

NOW, THEREFORE, BE IT RESOLVED:

- Pursuant to application of Christopher and Angela Kirchmaier, owners of 1859 Halesworth Lane, and in recognition of the hardship created if the relief sought herein is not granted, the limited detriment to the Town of Webster, and upon consideration of all relevant factors, the Webster Town Board hereby allows the construction of the aforesaid black chain link fence which will exist upon and encroach upon the easement affecting 1859 Halesworth Lane, Town of Webster.
- 2. This Resolution in no way applies to any other encroachment, violations or relief sought by the owner, his successors, grantees or assigns from any other building, structure or zoning violation which may exist on such premises.
- 3. This relief is granted upon the following conditions:
 - A. The proposed fence shall encroach upon the said easement as proposed as shown on the survey map prepared by Costich Engineering, 217 Lake Avenue, Rochester, New York 14608, last dated February 22, 2006, and shall be removable.
 - B. The proposed fence shall not be expanded to further encroach on or in the easement, nor will it be moved from its permitted place within the easement as shown on the Instrument Survey Map presented to the Town Board, and as referenced above.
 - C. The existing drainage swale receiving runoff from adjacent properties must remain outside the fence, and accessible to the Town.
 - D. The fence shall remain at least 10 feet away from any drainage piping or supporting structures.
 - E. Upon the destruction or demolition of the aforesaid fence or any part of thereof, through natural causes or otherwise, the Owner of the fence will not reconstruct it without a specific Resolution of the Town Board authorizing its replacement or reconstruction.
 - F. The Owner of the fence shall be solely responsible for any damage caused by or to the fence as a result of the Town's maintenance of said easement, and the Owner, his successors and assigns further agree to indemnify, defend and hold the Town harmless from any and all loss or damage caused to or by the fence as a result of work done by the Town as a result of reasonable and necessary work done by the Town within said easement.
 - G. In the event of an emergency, or if the Town deems it necessary or imperative, the Town will have the right to remove or take down all or any part of said fence, without recourse by the Owner or his successors or assigns to such removal or taking down.
 - H. This Resolution shall in no way affect the rights, if any, of any other public entities or public utilities in or to said easement.

4. The record Owner of the proposed fence and the Town of Webster will enter into a licensing agreement incorporating all the conditions of this Resolution in form and substance as approved by the Town Attorney, and which will further provide that the Owner, at his expense, will record the licensing agreement in the Monroe County Clerk's Office.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried 5-0

Resolution No. 149: MOTION by Supervisor Flaherty, seconded by Councilman Abbott, to **table** the approval of a lease extension or a new lease between the Webster Volunteer Fire Department, Inc., Landlord, and the Town of Webster, Tenant, on a section of Ebner Drive.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried 5-0

Resolution No. 150: MOTION by Councilman Abbott, seconded by Councilwoman Cataldi, to approve and authorize the Town Supervisor to execute an Elevator Service Agreement with Bison Elevator Service, Inc., 295 Main Street, Buffalo, New York at a cost of \$168.00 per month and a contract term of May 1, 2023 to April 30, 2024 which shall continue thereafter until Agreement is terminated by a thirty (30) day written notice.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried 5-0

Mary Herington, Town Engineer, was notified that the Town of Webster is a potential recipient for the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant. The program is designed to assist states, local governments and Tribes in implementing strategies to reduce energy use, to reduce fossil fuel emissions, and to improve energy efficiency. There are over 2,700 states, local governments and Tribes that are eligible. It appears that the Town qualified because the population is over 35,000. The Program could provide funding up to \$76,520.00 and has a two-year timeline to complete a project.

Resolution No. 151: MOTION by Councilwoman Cataldi, seconded by Councilman Abbott, to submit and authorize the Town Supervisor to sign a Notice of Intent for the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant, which could provide funding up to \$76,520.00.

93

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried 5-0

The Town Board was presented with a proposed Resolution to approve a proposed assessment reduction and estimated tax refund resulting from the settlement of Real Property Tax Law, Article 7 for 1170 Ridge Road. Charles Genese, Town Attorney, recommended the Town Board accept the settlement. If the matter were presented to a Judge to decide there would be interest and often penalties awarded along with the cost of obtaining an appraisal.

Resolution No. 152: MOTION by Councilwoman Cataldi, seconded by Councilman Abbott, to approve a proposed assessment reduction and estimated tax refund resulting from the settlement of Real Property Tax Law, Article 7.

WHEREAS, tax certiorari litigation was commenced and has continued on behalf of property located at 1170 Ridge Road, Town of Webster, Parcel #080.09-3-1.31 for the tax roll years 2019-2022; and

WHEREAS, issue had been joined by the Town, and discussions had between the attorneys for the parties; and

WHEREAS, the parties, by their attorneys, have come to an agreement to settle the matters currently before the Court, which settlement will result in a reduction of past assessments of the subject property, and result in refunds of some of the property taxes paid upon such property; and

WHEREAS, upon the advice and recommendation of the Town Attorney, the proposed settlement includes the following reductions and refunds:

Proposed Assessment Reductions:

Tax Roll Year 2019 -\$2,342,600 to \$2,000,000

Tax Roll Year 2020 –\$2,342,600 to \$1,777,600

Tax Roll Year 2021 -\$2,342,600 to \$1,650,000

Tax Roll Year 2022 –\$2,342,600 to \$1,800,000

Estimated Tax Refunds:

Town of Webster \$11,415.61 (Four years)

WHEREAS, the Town of Webster has the authority to authorize payment of these aforesaid tax refunds; and

WHEREAS, the matter has been fully discussed by the Town Board:

NOW, THEREFORE, BE IT RESOLVED:

That the Town Board hereby agrees to refund to Goal Investments, Inc. the sum of \$11,415.61 or an amount as appropriately calculated based upon the assessment reductions set forth above and for refunds of Town property taxes paid.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried 5-0

Brayton Connard, Personnel Director, highlighted some of the increases and changes in the new four-year Union Contract between the Town of Webster and CSEA Blue Collar Unit #7411. He stated there is a completely new career ladder for the Highway employees and the Sewer employees that will put the Town squarely in conformity with best practices under Civil Service Law. The change will make duties and expectations clearer to both management and employees. New hires will be treated the same way they are treated when recruited. New hires will no longer be blacked out from vacation, sick, bereavement leaves or Holidays. On call pay language was updated for fairness and accountability. The term of the contract is four years starting on May 1st of this year and there is no retroactive pay. Healthcare changes were made to benefit both the employer as well as the employee. The co-pay health insurance plan has been closed out and nearly every employee is shifting into the high deductible plan which will result in a savings for both the employer and the employee. Holidays were reconfigured to recognize both Martin Luther King Jr. Day and Juneteenth without increasing the total number of holidays.

Resolution No. 153: MOTION by Councilwoman Cataldi, seconded by Councilman Cahill, to approve and authorize the Town Supervisor to sign the CSEA Blue Collar Unit #7411 Union Contract for a term of four (4) years; 2023 through 2026.

[Contract to be filed in the Town Clerk's Office]

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried 5-0

Resolution No. 154: MOTION by Supervisor Flaherty, seconded by Councilman Nguyen, to call for a Public Hearing to consider an addition to the Consolidated Sanitary Sewer District, specifically the Woodard Road Extension.

WHEREAS, Paul & Helen Sleeman, Papis Convenient, Inc, Andrew & Kara Foote, Jeremy & Mary Beth Covert, Alex & Stacy Szabo, Christopher Anschutz & Heather Horvath, the owners of certain parcels of land in an affected portion of Woodard Road in the Town of Webster, known 1673, 1680, 1681, 1683, 1690, 1704 Woodard Road are desirous of extending sanitary sewer to their property, such parcels also identified as Tax ID Number 051.03-1-3.1, 050.02-1-30.1, 051.03-1-4, 051.03-1-6, 050.02-1-30.2, 050.02-1-29; and

WHEREAS, total costs for this extension to the existing sewer district is estimated not to exceed \$136,750.00 and

WHEREAS, once these parcels are added to the district it will also be added to the Consolidated Sanitary Sewer District and will be charged a capital fee (currently \$58.44 annually), and once connected an operation and maintenance fee (currently \$173.53 annually). A one-time entrance fee (currently \$1,000.00) will be charged at the time of connection; and

WHEREAS, the owners of the affected parcels to be added will grant easements to the Town of Webster for the construction of said sanitary sewer improvements, which easements will be recorded and shown on a map to be prepared for the Town of Webster Consolidated Sanitary Sewer District; and

WHEREAS, the total estimated cost of adding this parcel to the Consolidated Sanitary Sewer District will be paid for by the residents whose property will be benefitted thereby; and

WHEREAS, if approved, the addition of this parcel and residence to the Woodard Road Extension to the Consolidated Sanitary Sewer District will result in the revision of the map, plan and report of that Extension and District:

NOW, THEREFORE, BE IT RESOLVED:

- 1. A Public Hearing shall be conducted at a meeting of the Town Board of the Town of Webster to be held at the Town Board Meeting Room, 1002 Ridge Road, in the Town of Webster on Thursday, May 18, 2023 at 7:30 p.m. to consider this addition to the Consolidated Sanitary Sewer District, and to hear all persons on the subject thereof, and for such other action on the Town Board with relation to such sanitary sewer construction as may be further required by law.
- 2. The Town Clerk shall give notice of such Public Hearing by publishing in the official newspaper of the Town of Webster a certified copy of this Resolution and by posting a copy thereof on the Town Clerk's Bulletin Board and Town Website not less than ten (10) nor more than twenty (20) days before such Public Hearing.
- 3. The Town of Webster Staff of the Town of Webster shall prepare and submit to the Town Board all necessary Environmental Assessment forms to comply with the requirements of the New York State Environmental Quality Review Act.
- 4. The environmental significance of the proposed additional sanitary sewer construction to the Woodard Road extension herein referred is to be reviewed by the Town Board incident to and as part of the Public Hearing.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi Aye
Councilwoman NguyenAye	Motion carried5-0

Resolution No. 155: MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to declare the following items for auction or recycling from the Sewer Department.

Borger Pump CL390, Asset Tag #04004 Peerless Effluent Pump Marathon Effluent Pump Isco Sampler, Asset Tag #01183 Vote on motion: Supervisor FlahertyAve Councilman Abbott Aye Councilman CahillAye Councilwoman Cataldi..... Aye Motion carried...... 5-0 Councilwoman NguyenAye *** At 8:27 p.m. Supervisor Flaherty called for an Executive Session. **Resolution No. 156:** MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to enter into Executive Session pursuant to New York State Public Officer's Law §105(1)(f) to discuss the financial, credit and employment history of a particular person or corporation. WHEREAS, New York State Public Officers Law provides that the Town of Board may enter into Executive Session to discuss certain subjects or matters: NOW, THEREFORE, BE IT RESOLVED: That the Town Board enter into an Executive Session pursuant to New York State Public Officer's Law §105(1)(f) to discuss the financial, credit and employment history of a particular person or corporation. That the following persons were authorized to attend: Charles Genese, Town Attorney and Paul Adams, Finance Director. Vote on motion: Supervisor Flaherty.....Aye Councilman Abbott Aye Councilman CahillAye Councilwoman Cataldi..... Aye Councilwoman NguyenAye Motion carried 5-0 *** Resolution No. 157: MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to return to Regular Session at 9:47 p.m. Vote on motion: Supervisor Flaherty.....Aye Councilman Abbott Aye Councilman CahillAye Councilwoman Cataldi..... Aye Councilwoman NguyenAye Motion carried 5-0 *** There being no further business to come before the Board, the meeting was adjourned at 9:47 p.m.

97 04-20-23

Dorothy M. Maguire, Town Clerk